IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7089 OF 2004

Bachubhai Building Co-op.
Housing Society Limited ... Petitioner

versus

Maharashtra Housing and
Area Development Authority
and another ... Respondents

...

Mr. V.Z. Kankaria, for the Petitioner.

...

CORAM : A.M.KHANWILKAR,J.

3rd September 2004

P.C.:

. The only grievance that needs to be addressed in this writ petition is whether the Court below was justified in rejecting the application for amendment to bring on record State of Maharashtra as party, Defendant No. 2, and to carry out consequential amendment. To my mind, the Court below has rightly declined to accept the request made in the Chamber Summons

for the reasons recorded in the impugned order. I find no reason to interfere with the discretionary order passed by the Court below, which, to my mind, is just and proper. Hence, dismissed.

. Insofar as the grievance with regard to the correctness of the measurement made by the authority is concerned, the Petitioner will have to take recourse to appropriate remedy, as that cannot be the basis for permitting the amendment as prayed. If such proceedings are taken out, the same will be decided on its own merits in accordance with law.

(A.M.KHANWILKAR,J.)